IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8280 OF 2006

Umesh Gopaldas Mehrotra ...Petitioner

Versus

Mrs. Neha Umesh Mehrotra ...Respondent

Shri S.A.Bhagwat i/by Shri A.H.Nagi for the Petitioner.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 07, 2007.

P.C.:

1. Heard learned Advocate appearing for the Petitioner. The challenge in this Writ Petition under Article 227 of the Constitution of India is to the order made by the learned Judge of the Family Court, Mumbai on 06th July, 2006 by which the Petitioner has been directed to pay interim maintenance of Rs.5,000/- each to his wife and minor son.

2. The grievance made by the learned counsel appearing for the Petitioner is that in the matrimonial petition filed by the Respondent wife, she has admitted that she is getting a limited income by working in a private call centre. He submitted that the income of the Respondent wife has not been considered by the learned Judge while passing the order. He submitted

that as the income earned by the wife is not considered, the impugned order is illegal.

3. I have considered the submissions. In the application for maintenance the Respondent wife has disclosed various amounts needed by her to maintain herself and minor son who is in her custody. As per the averments made in the Application, the Respondent requires total sum of Rs.13,000/- for herself and Rs.12,000/- for minor son per month. In the main matrimonial Petition the averment made by the Respondent is that the small income which she is receiving is not adequate to maintain herself and her son.

4. In paragraph No.5 of the Application for interim maintenance, the Respondent has alleged that the Petitioner husband has a Master’s Degree in Business Administration and is working in German Multi National Company as a Regional Manager and is earning Rs.50,000/- per month. It is stated that the Petitioner has other source of income from the property at Calcutta. A reply was filed by the Petitioner. While dealing with averments made in paragraph No.5 of the Application made by the Respondent wife, the Petitioner has not disputed

his status as a Regional Manager and his income of Rs.50,000/- per month. He has not even stated that he is required to meet any liability as pleaded in the memorandum of this Petition. Thus, it is an admitted position that the Petitioner is earning Rs.50,000/- per month. The trial Court has awarded total interim maintenance of Rs.10,000/- to the Respondent wife and to the minor son. The impugned order is legal and proper and no interference is called for. Writ Petition is accordingly rejected.

JUDGE